

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4 A

Council Meeting Date: July 23, 2019

ITEM TITLE: ORDINANCE (2nd Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO *em*
Peter Abide, City Attorney *Pa*

SUMMARY EXPLANATION:

Ordinance to amend Code of Ordinances, City of Biloxi, Mississippi, of 1992, Sections 13-1-17, 13-1-18, & 13-1-19, to address aggressive panhandling issues and revise licensing procedures.

Resolution _____ Ordinance Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify):

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: Lawrence Second By: Glavan

Vote:	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>	<u>Councilmember</u>	<u>Yes</u>	<u>No</u>	<u>Other</u>
	Lawrence	___	___	___	Tisdale	___	___	___
	Gines	___	___	___	Glavan	___	___	___
	Newman	___	___	___	Barrett	___	___	___
	Deming	___	___	___				

ACTION TAKEN:

pa/km071619aleg

First reading on 7-16-19

Ordinance No.

AN ORDINANCE TO AMEND CODE OF ORDINANCES, CITY OF BILOXI, MISSISSIPPI, OF 1992, SECTIONS 13-1-17, 13-1-18, & 13-1-19, TO ADDRESS AGGRESSIVE PANHANDLING ISSUES AND REVISE LICENSING PROCEDURES

WHEREAS, the City of Biloxi currently has a Panhandlers, Peddlers and Solicitors Ordinance in the Biloxi Code of Ordinances Section 13-1-16; and

WHEREAS, the current Panhandlers, Peddlers and Solicitors ordinance is in need of amendment so as to address panhandling issues within the City of Biloxi; and,

WHEREAS, removal of the licensing process for panhandlers has been recommended by the Administration; and

WHEREAS, prohibiting panhandling at intersections, interstate entrances, and interstate exits is necessary for public safety concerns, and is in the best interest of the health and safety of the citizens and visitors of Biloxi.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION 1. The findings, conclusions, and statements of fact contained in the foregoing preamble are hereby adopted, ratified and incorporated herein.

SECTION 2. Sections 13-1-17, 13-1-18, & 13-1-19, of the Code of Ordinances, City of Biloxi, Mississippi, are hereby amended to read as follows:

Sec. 13-1-17. – Same—License required to panhandle, peddle or solicit business; issuance of license.

- (a) Any and all ~~panhandlers~~, peddlers or solicitors shall apply for and be in receipt of a license before engaging in any activity in the city.
- (b) Application for a license shall be made in writing to the office of the Community Development Department.

- (c) The Community Development Director shall have ten (10) working days from the date of the application to approve or deny the issuance of a license. There shall automatically be a ten-day waiting period before applicants will be allowed to ~~panhandle~~, peddle or solicit within the city, in order that the department of public safety may conduct an investigation into the character and background of the applicant. The tax collector shall furnish a copy of the license to the director of the department of public safety.
- (d) No license shall be issued to any person or any employee or agent thereof who has been convicted of a previous violation of sections 13-1-16 through 13-1-20, or who has had his or her penal bond, as provided for in subsection 13-1-18(c) forfeited either voluntarily or through appropriate legal proceedings.
- (e) No solicitation will be allowed by conducting "highway holdup" activities within the city, except when an applicant has applied for an exception to this provision, to be granted by the city council only after a hearing in which the applicant shows that a general public interest would be served by such solicitation. For purposes of this section, a "highway holdup" activity is defined as solicitation conducted for any purpose along any street, avenue, boulevard, road, alley, lane, viaduct or other public thoroughfare in the city.
- (f) Only those persons who are citizens of the state or who are agents of foreign corporations domiciled in the state, or who are agents of foreign corporations qualified to do business in the state shall be allowed to peddle or solicit in residential areas.
- (g) In order to protect the local citizenry against crime and preserve the private property, peace and comfort of the citizens from those persons who are not known or who are not easily identifiable or traceable, the Community Development Director may deny the issuance of a license upon the determination that the activity would endanger the public health, welfare and safety.

Section 13-1-18. – Same—License fee; bond.

- (a) Upon every person or agent or employee of such person operating as a peddler or solicitor for business, there is hereby levied an annual license fee of \$25.00. All persons employed by the solicitor for business must have separate licenses.
- (b) No fee shall be levied, nor a bond required, if the solicitation is for the purpose of seeking donations or gifts for a charitable, religious, educational, community or similar purpose. When solicitation is conducted by a group or organization composed predominately of minors, the adult sponsor or leader may carry only one permit for the whole group.
- (c) Solicitors shall, in advance of making any solicitation, furnish and make payable to the city a good and sufficient bond in the amount of \$1,000.00, conditioned that if

the solicitors and any employees, officers or agents thereof comply with all of the provisions of this chapter relating to solicitors the obligation shall be void, and otherwise to remain in full force and effect.

~~(d) There shall be no fee or bond for a panhandler's license.~~

Section 13-1-19. –Same—Unlawful acts.

(a) It shall be unlawful for a panhandler, peddler or solicitor or any person on his behalf to:

(1) Panhandle at the following locations within the City of Biloxi:

- a. An intersection, interstate entrance, or interstate exit;
- a. b A bus, streetcar, or train stop;
- b. c In a public transportation vehicle or facility;
- e. d Twenty (20) feet in any direction from an automatic teller machine (ATM) or bank;
- d. e Within eight (8) feet of any occupied vehicle on the street; or
- e. f In public parks.

(2) Shout, make any outcry, blow a horn, ring a bell or use any sound device or musical instrument, including any loud speaking radio or sound amplifying system, for the purpose of attracting attention to any goods, wares, or merchandise which such licensee proposes to sell.

(3) Panhandle, peddle or solicit from 7:00 p.m. to 7:00 a.m., or at any time when a sign has been posted on a building or residence stating, "No Panhandlers or Solicitors," or words to that effect.

(4) Engage in an act of panhandling in an aggressive manner, including the following actions:

- a. Touching the solicited person without the solicited person's consent;
- b. Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;
- c. Blocking the path of a person being solicited or the entrance to any building or vehicle;
- d. Following behind, ahead or alongside a person who walks away from the panhandler after being solicited;

- e. Approaching and coming within three (3) feet of a person unless the person has agreed to make a donation;
 - f. Using profane or abusive language, either during the solicitation or following a refusal to make a donation, or making any statement, gesture, or other communication which would cause a reasonable person to be fearful or feel compelled to make a donation.
- (5) Make any representations to persons being solicited of any facts in conflict with the statements on their license or application, or to omit advising the person solicited of the exact name of the soliciting organization or person and the purpose for which the donation is requested.
- (b) The prohibitions contained in this section shall not preclude the soliciting from door to door or from vehicles of fresh food products of farm or garden, or bona fide deliveries of goods, wares, merchandise or food made on a regular route to regular customers, nor shall it preclude the delivery and sale of any items that have been previously ordered.

SECTION 3. This ordinance shall take effect when and as provided by law, and shall be published according to law and spread on the minutes of the Biloxi City Council.